

REMARKS

Claims 3, 5, 6, 9, 11, 12, 15, 17-19, 22 and 25 have been examined.

I. Rejections under 35 U.S.C. § 101

The Examiner has rejected claims 15, 17-19 and 22 under 35 U.S.C. § 101. Applicant has amended the preamble of claim 15 in a manner believed to overcome the rejection. Also, Applicant has canceled claim 22, without prejudice or disclaimer. Accordingly, the rejection of such claim is now moot.

Since the above rejection is first presented in the after final Office Action, Applicant respectfully requests that such amendments be entered for purposes of appeal.

II. Rejections under 35 U.S.C. § 102(e)

The examiner has rejected claims 3, 5-6, 9, 11-12, 15, 17-19, 22, and 25 under 35 U.S.C 102(e) allegedly being anticipated by U.S. Patent No. 6,813,608 B1 to Baranowski et al (“Baranowski”).

A. Claim 3

Applicant submits that claim 3 is patentable over the cited reference. For example, claim 3 recites that “a terminal located in a store in the shopping mall operative to register in advance first information on the shopping mall, second information on the shopping mall.....regarding each store in the shopping mall requesting its distribution”. Further the system comprises “a means for distributing,the items.....out of the first information, to a portable terminal of the customer perceived to be visiting said shipping mall and for distributing the second

information, differing from said first information, to portable terminals of customers not perceived to be visiting said shopping mall”.

In the system according to the present invention, the information to be distributed may either be extra-specific area information useful for urging customers outside the shopping mall to come shopping or intra-specific area information useful for customers within the shopping mall to come shopping and the two types of the information are registered as differentiated from each other (non-limiting embodiment, page 9 lines 18-24 of specification). Thus, the present invention can provide an information distribution system without the problem of the ***conventional system*** in which the conventional system, “distributes information for mobilizing customers... ***irrespective of where the individual customers are***” (emphasis added) (Page 1 lines 10-15 of specification).

The claimed second information is 1) registered by the terminal in a shopping mall and 2) distributed to portable terminals of customers, not perceived to be visiting said shopping mall. Applicant submits that Baranowski fails to disclose the second information. For example Baranowski discloses a web host which display merchandise for sale and take purchase orders. The merchandise can then be shipped to the customer, held for pick-up when the customer visits the wide-area facility or delivered to the accommodations of the customer within the wide-area facility at a specific time (Figures 1-5, Col. 14 lines 17-28). The web host, however, distributes the information ***irrespective of where the customer is***. The information is only distributed based on the customer’s selection of the merchandise or order placement; the system does not pay any

attention to the customer's location before sending the information. A customer can access the web host at home or while in a mall, and the information will still be the same.

Further Baranowski discloses that the web host distributes the information which may include reviews or information about the attractions of the wide-area facility, particularly those that the customer made reservations for. This information may also include weather forecasts for the day of the customer's planned visit to the wide-area facility, industry news relevant to the wide-area facility and similar facilities, or any other information that may be useful to the customer (Figures 1-5, Col. 15 lines 21-31). Similar to Applicant's comments above, however, the web host distributes the information *irrespective of where the customer is*. It distributes the information based only on the customer's *reservation* and does not pay any attention to the customer's current location at the time of distributing the information. For example, the customer may make reservations for the next visit while the customer is still currently visiting the wide-area facility.

At least based on the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claim 3 in view of Baranowski. If the Examiner rejects claim 3 on the same grounds in a subsequent Office Action, Applicant respectfully requests the Examiner point out the alleged "second information" in a more precise manner.

Amendment under 37 C.F.R. § 1.116
U.S. Application No. 09/769,392

B. Claims 9, 15 and 25

Since claims 9, 15 and 25 contain features that are analogous to the features recited above for claim 3, Applicant submits that such claims are patentable for at least analogous reasons as claim 1.

C. Claims 5-6, 11-12 and 17-18

Since claims 5-6, 11-12 and 17-18 are dependent upon one of claims 3, 9 and 15, Applicant submits that such claims are patentable by virtue of their dependency.

D. Claim 22

Since Applicant has canceled claim 22, without prejudice or disclaimer, Applicant submits that the rejection of such claim is now moot.

III. Rejections under 35 U.S.C. 103(a) in view of Baranowski

The examiner has rejected claim 19 under 35 U.S.C 103(a) allegedly being unpatentable over Baranowski. However, since claim 19 is dependent upon claim 15, Applicant submits that claim 19 is patentable at least by virtue of its dependency.

IV. Conclusion

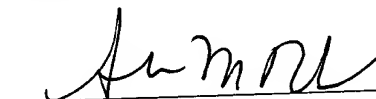
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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